

## Planning Act

### ONTARIO REGULATION 544/06 PLANS OF SUBDIVISION

**Consolidation Period:** From June 8, 2016 to the [e-Laws currency date](#).

Last amendment: O. Reg. 178/16.

*This is the English version of a bilingual regulation.*

#### CONTENTS

<a href="#">1.</a>	Definitions
<a href="#">2.</a>	Information and material to be provided by applicant (s. 51 (17) of Act)
<a href="#">3.</a>	Notice (“complete application”) (s. 51 (19.4) of Act)
<a href="#">4.</a>	Notice of application for approval of plan of subdivision (s. 51 (20) (a) of Act)
<a href="#">5.</a>	Public meeting (s. 51 (20) (b) of Act)
<a href="#">6.</a>	Request by approval authority (s. 51 (21) of Act)
<a href="#">7.</a>	Condominiums
<a href="#">8.</a>	Record compiled by approval authority for O.M.B. (s. 51 (35) (a) of Act)
<a href="#">9.</a>	Notice of approval authority’s decision (s. 51 (37) of Act)
<a href="#">10.</a>	Notice of changes to conditions of draft approval (s. 51 (45) of Act)
<a href="#">11.</a>	Record compiled by approval authority for O.M.B. (s. 51 (50) (a) of Act)
<a href="#">12.</a>	Transition
<a href="#">Schedule 1</a>	Information and material to be provided with an application under subsection 51 (17) of the act

#### Definitions

1. In this Regulation,

“hazard distance” means the distance established as the hazard distance applicable to the propane operation referenced in a risk and safety management plan required under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*; (“distance de danger”)

“propane operation” means an operation in respect of which a person is required to prepare a risk and safety management plan under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*; (“installation de propane”)

“propane operator” means a person who is required to prepare a risk and safety management plan under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*; (“exploitant d’ une installation de propane”)

“reserve” means a tract of land, the legal title of which is vested in the Crown in right of Canada, that has been set apart by the Crown for the use and benefit of a First Nation; (“réserve”)

“subject land” means the land to which a proposed plan of subdivision applies. (“terrain visé”) O. Reg. 544/06, s. 1; O. Reg. 468/09, s. 1.

#### Information and material to be provided by applicant (s. 51 (17) of Act)

2. The information and material to be provided by an applicant for approval of a plan of subdivision, for the purposes of subsection 51 (17) of the Act, are set out in Schedule 1. O. Reg. 544/06, s. 2.

#### Notice (“complete application”) (s. 51 (19.4) of Act)

3. (1) Section 4 applies, with necessary modifications, to a notice given under subsection 51 (19.4) of the Act. O. Reg. 544/06, s. 3 (1).

(2) The notice referred to in subsection (1) may be given together with notice of an application, notice of a public meeting or both, for the purposes of subsection 51 (20) of the Act, or may be given separately. O. Reg. 544/06, s. 3 (2).

#### Notice of application for approval of plan of subdivision (s. 51 (20) (a) of Act)

4. (1) Notice of an application for approval of a plan of subdivision under clause 51 (20) (a) of the Act shall be given in the manner described in the following subsections of this section:

1. Subsection (2) or (5).
2. Subsection (7).
3. Subsection (8).
4. Subsection (9). O. Reg. 544/06, s. 4 (1).

(2) Notice shall be given,

- (a) by personal service or ordinary mail, to every owner of land within 120 metres of the subject land and every owner of land within 120 metres of land that abuts the subject land and is owned by the same person that owns the subject land; and
- (b) by posting a notice, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property within the subject land or, if posting on the property is impractical, at a nearby location chosen by the official described in subsection (6). O. Reg. 544/06, s. 4 (2).

(3) For the purposes of clause (2) (a), the owner of land is deemed to be the person shown on the last revised assessment roll of the municipality or on the current provincial land tax roll at the address shown on the roll but, if the approval authority is a municipality and the clerk of the municipality has received written notice of a change of ownership, the notice shall be given to the new owner instead, at the address set out in the notice. O. Reg. 544/06, s. 4 (3).

(4) For the purposes of clause (2) (a), if a condominium development is located within 120 metres of the subject land, notice may be given to the condominium corporation, according to its most recent address for service or mailing address as registered under section 7 of the *Condominium Act, 1998*, instead of being given to all owners assessed in respect of the condominium development. O. Reg. 544/06, s. 4 (4).

(5) Notice shall be given by publishing it in a newspaper that, in the opinion of the official described in subsection (6), is of sufficiently general circulation in the area adjoining the subject land that it would give the public reasonable notice of the application. O. Reg. 544/06, s. 4 (5).

(6) The official for the purposes of subsections (2) and (5) is,

- (a) the clerk of the municipality, if the approval authority is,
  - (i) the council of the municipality or a committee of the council, or
  - (ii) an appointed officer;
- (b) the secretary-treasurer of the municipal planning authority, if the approval authority is,
  - (i) a municipal planning authority or a committee of the authority, or
  - (ii) an appointed officer;
- (c) the secretary-treasurer of the planning board, if the approval authority is a planning board; and
- (d) an employee of the Ministry of Municipal Affairs and Housing, if the approval authority is the Minister. O. Reg. 544/06, s. 4 (6).

(7) Every person and public body that has given the approval authority a written request for a notice to which this section applies (including the person's or public body's address) shall be given notice by personal service, ordinary mail or fax. O. Reg. 544/06, s. 4 (7).

**Note: On July 1, 2016, subsection 4 (7) of the Regulation is revoked and the following substituted: (See: O. Reg. 178/16, s. 1 (1))**

(7) Every person and public body that has given the approval authority a written request for a notice to which this section applies (including the person's or public body's address, fax number or email address) shall be given notice by personal service, ordinary mail, fax or email. O. Reg. 178/16, s. 1 (1).

(8) Notice shall be given, by personal service, ordinary mail or fax, to all the following persons and public bodies except those who have notified the approval authority that they do not wish to receive notice:

**Note: On July 1, 2016, subsection 4 (8) of the Regulation is amended by striking out "personal service, ordinary mail or fax" in the portion before paragraph 1 and substituting "personal service, ordinary mail, fax or email". (See: O. Reg. 178/16, s. 1 (2))**

1. The clerk of every local municipality or the secretary-treasurer of every municipal planning authority or planning board having jurisdiction in the area to which the plan of subdivision would apply.
2. The clerk of every upper-tier municipality having jurisdiction in the area to which the plan of subdivision would apply.
3. The secretary of every school board having jurisdiction in the area to which the plan of subdivision would apply.
4. The secretary-treasurer of every conservation authority having jurisdiction in the area to which the plan of subdivision would apply.

5. The secretary of every municipal or other corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.
6. The Executive Vice-President, Law and Development, of Ontario Power Generation Inc.
7. The secretary of Hydro One Inc.
8. The secretary of every company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.
9. The secretary of every company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.
- 9.1 Every propane operator of a propane operation, if,
  - i. any part of the propane operation's hazard distance is within the area to which the plan of subdivision would apply, and
  - ii. the approval authority has been notified of the propane operation's hazard distance by a director appointed under section 4 of the *Technical Standards and Safety Act, 2000*.
10. If any of the subject land is within 300 metres of a railway line, the secretary of the company operating the railway line.
11. The secretary of every company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply.
12. The chair or secretary of the municipal heritage committee of the municipality, if any, if the land to which the plan of subdivision would apply includes or adjoins a property or district designated under Part IV or V of the *Ontario Heritage Act*.
13. If any of the subject land is within or abuts the area covered by the Niagara Escarpment Plan, the senior planner of the district office of the Niagara Escarpment Commission having jurisdiction over that land or the area that it abuts, as the case may be.
14. The Niagara Parks Commission, if any of the subject land adjoins the Niagara Parkway and is in the jurisdiction of the Niagara Parks Commission.
15. The St. Lawrence Parks Commission, if any of the subject land adjoins the 1000 Islands Parkway and is within the jurisdiction of the St. Lawrence Parks Commission under section 9 of the *St. Lawrence Parks Commission Act*.
16. Parks Canada, if any of the subject land adjoins a historic site, park or historic canal under the jurisdiction of Parks Canada.
17. The clerk of every municipality and the secretary-treasurer of every municipal planning authority or planning board, if any part of the municipality, municipal planning area or planning area is within one kilometre of the area to which the plan of subdivision would apply.
18. The chief of every First Nation council, if the First Nation is located on a reserve any part of which is within one kilometre of the area covered by the proposed plan of subdivision. O. Reg. 544/06, s. 4 (8); O. Reg. 468/09, ss. 2, 3.

(9) If the approval authority of a proposed plan of subdivision is not the Minister, notice shall be given, by personal service, ordinary mail or fax, to the regional director of the Ministry of Municipal Affairs and Housing Municipal Services Office responsible for the region that includes the municipality or planning area where the subject land is located, if the regional director has given the approval authority a written request to be given notice of applications for approval of plans of subdivision. O. Reg. 544/06, s. 4 (9).

**Note: On July 1, 2016, subsection 4 (9) of the Regulation is amended by striking out "personal service, ordinary mail or fax" and substituting "personal service, ordinary mail, fax or email". (See: O. Reg. 178/16, s. 1 (3))**

(10) A notice, other than a notice that is given by posting as described in clause (2) (b), shall include the following:

**Note: On July 1, 2016, subsection 4 (10) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following: (See: O. Reg. 178/16, s. 1 (4))**

(10) A notice, other than a notice that is given by posting as described in clause (2) (b) or by publishing in a newspaper as described in subsection (5), shall include the following:

1. A description of the proposed plan of subdivision.
2. A description of the land or a key map showing the location of the land proposed to be subdivided.

**Note: On July 1, 2016, paragraph 2 of subsection 4 (10) of the Regulation is revoked and the following substituted: (See: O. Reg. 178/16, s. 1 (5))**

2. A description of the subject land or a key map showing the subject land.

3. Where and when additional information regarding the proposed plan of subdivision will be available to the public for inspection.

**Note: On July 1, 2016, paragraph 3 of subsection 4 (10) of the Regulation is amended by striking out “information” and substituting “information and material”. (See: O. Reg. 178/16, s. 1 (6))**

4. The following statements:
  - i. If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to (*name of the approval authority*) in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body is not entitled to appeal the decision of (*name of the approval authority*) to the Ontario Municipal Board.
  - ii. If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to (*name of the approval authority*) in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
5. The following statement:
  - i. If you wish to be notified of the decision of (*name of the approval authority*) in respect of the proposed plan of subdivision, you must make a written request to (*name and address of the approval authority*).
6. If it is known that the land proposed to be subdivided is the subject of an application under the Act for a minor variance or for an amendment to an official plan, a zoning by-law or a Minister’s zoning order, a statement of that fact and the file number of the application. O. Reg. 544/06, s. 4 (10).

**Note: On July 1, 2016, paragraph 6 of subsection 4 (10) of the Regulation is amended by striking out “the land proposed to be subdivided” and substituting “the subject land”. (See: O. Reg. 178/16, s. 1 (7))**

**Note: On July 1, 2016, subsection 4 (10) of the Regulation is amended by adding the following paragraph: (See: O. Reg. 178/16, 1 (8))**

7. If applicable, a request that the notice be posted by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents.

(11) A notice given to the persons and public bodies set out in subsections (8) and (9) shall also include a copy of the application. O. Reg. 544/06, s. 4 (11).

(12) A notice that is given by posting as described in clause (2) (b) shall include the following:

1. A description of the proposed plan of subdivision.
2. Where and when additional information and material regarding the proposed plan of subdivision will be available to the public for inspection.
3. How to obtain a copy of the notice described in subsection (10). O. Reg. 544/06, s. 4 (12).

**Note: On July 1, 2016, paragraph 3 of subsection 4 (12) of the Regulation is revoked and the following substituted: (See: O. Reg. 178/16, s. 1 (9))**

3. The following statement:

For more information about this matter, including information about preserving your appeal rights, contact (*address, email address, website or other location or means by which information may be obtained from the approval authority*).

**Note: On July 1, 2016, section 4 of the Regulation is amended by adding the following subsection: (See: O. Reg. 178/16, 1 (10))**

(13) A notice that is given by publishing in a newspaper as described in subsection (5) shall include the following:

1. A description of the proposed plan of subdivision.
2. Where and when additional information and material regarding the proposed plan of subdivision will be available to the public for inspection.
3. A description of the subject land or a key map showing the subject land.
4. The following statement:

For more information about this matter, including information about preserving your appeal rights, contact (*address, email address, website or other location or means by which information may be obtained from the approval authority*).

O. Reg. 178/16, s. 1 (10).

#### **Public meeting (s. 51 (20) (b) of Act)**

5. (1) If the land that is the subject of an application for approval of a plan of subdivision under subsection 51 (16) of the Act is located in a municipality or in the planning area of a planning board, the approval authority shall ensure that a public meeting is held under clause 51 (20) (b) of the Act. O. Reg. 544/06, s. 5 (1).

(2) The public meeting shall be held no sooner than 14 days after the requirements for giving notice of the meeting have been complied with. O. Reg. 544/06, s. 5 (2).

(3) Subsections 4 (1) to (9) apply, with necessary modifications, to giving notice of a public meeting under subsection (1). O. Reg. 544/06, s. 5 (3).

(4) A notice, other than a notice that is given by posting as described in clause 4 (2) (b), shall include the following:

**Note: On July 1, 2016, subsection 5 (4) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following: (See: O. Reg. 178/16, s. 2 (1))**

(4) A notice, other than a notice that is given by posting as described in clause 4 (2) (b) or by publishing in a newspaper as described in subsection 4 (5), shall include the following:

1. The date, time and location of the public meeting.
2. A description of the proposed plan of subdivision.
3. A description of the land or a key map showing the location of the land proposed to be subdivided.

**Note: On July 1, 2016, paragraph 3 of subsection 5 (4) of the Regulation is revoked and the following substituted: (See: O. Reg. 178/16, s. 2 (2))**

3. A description of the subject land or a key map showing the subject land.
  - 3.1 Where and when additional information and material regarding the proposed plan of subdivision will be available to the public for inspection.
  - 3.2 If applicable, a request that the notice be posted by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents.

4. The following statements:

- i. If a person or public body does not make oral submissions at the public meeting or make written submissions to (*name of the approval authority*) in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body is not entitled to appeal the decision of (*name of the approval authority*) to the Ontario Municipal Board.
- ii. If a person or public body does not make oral submissions at the public meeting or make written submissions to (*name of the approval authority*) in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so. O. Reg. 544/06, s. 5 (4).

**Note: On July 1, 2016, paragraph 4 of subsection 5 (5) of the Regulation is revoked and the following substituted: (See: O. Reg. 178/16, s. 2 (3))**

4. The following statement:

For more information about this matter, including information about preserving your appeal rights, contact (*address, email address, website or other location or means by which information may be obtained from the approval authority*).

(5) A notice that is given by posting as described in clause 4 (2) (b) shall include the following:

1. The date, time and location of the public meeting.
2. A description of the proposed plan of subdivision.
3. Where and when additional information and material regarding the proposed plan of subdivision will be available to the public for inspection.
4. How to obtain a copy of the notice described in subsection (4). O. Reg. 544/06, s. 5 (5).

**Note: On July 1, 2016, section 5 of the Regulation is amended by adding the following subsection: (See: O. Reg. 178/16, s. 2 (4))**

(6) A notice that is given by publishing in a newspaper as described in subsection 4 (5) shall include the following:

1. A description of the proposed plan of subdivision.
2. Where and when additional information and material regarding the proposed plan of subdivision will be available to the public for inspection.
3. A description of the subject land or a key map showing the subject land.
4. The following statement:

For more information about this matter, including information about preserving your appeal rights, contact (*address, email address, website or other location or means by which information may be obtained from the approval authority*).

O. Reg. 178/16, s. 2 (4).

**Request by approval authority (s. 51 (21) of Act)**

6. (1) This section applies if an approval authority makes a request to a local municipality or planning board under subsection 51 (21) of the Act. O. Reg. 544/06, s. 6 (1).

(2) If the approval authority requests that the local municipality or planning board give notice of an application for approval of a plan of subdivision,

- (a) the notice shall include, if the approval authority so directs, a request to submit any written comments to the approval authority; and
- (b) the local municipality or planning board shall submit to the approval authority,
  - (i) a certified copy of the notice described in subsection 5 (4), and
  - (ii) an affidavit or sworn declaration by an employee of the local municipality or planning board certifying that the notice requirements under clause 51 (20) (a) of the Act have been complied with. O. Reg. 544/06, s. 6 (2).

(3) If the approval authority requests that the local municipality or planning board hold a public meeting, the local municipality or planning board shall submit to the approval authority,

- (a) the original or a copy of all written submissions and comments received by the local municipality or the planning board on or before the day the public meeting was held;
- (b) an affidavit or sworn declaration by an employee of the local municipality or planning board certifying that the notice requirements and the requirement for holding a public meeting under clause 51 (20) (b) of the Act have been complied with;
- (c) an affidavit or sworn declaration by an employee of the local municipality or planning board listing all persons and public bodies that made oral submissions at the public meeting; and
- (d) a copy of the minutes of the public meeting. O. Reg. 544/06, s. 6 (3).

**Condominiums**

7. Sections 3 to 6 do not apply to an application for approval of a condominium description, other than an application for approval of a vacant land condominium description or a common elements condominium description. O. Reg. 544/06, s. 7; O. Reg. 468/09, s. 4.

**Note: On July 1, 2016, section 7 of the Regulation is amended by striking out “or a common elements condominium description” at the end. (See: O. Reg. 178/16, s. 3 (1))**

**Note: On July 1, 2016, section 7 of the Regulation is amended by adding the following subsection: (See: O. Reg. 178/16, s. 3 (2))**

(2) Section 30.1 of Schedule 1 does not apply to an application for approval of a condominium description that is not a vacant land condominium description. O. Reg. 178/16, s. 3 (2).

**Record compiled by approval authority for O.M.B. (s. 51 (35) (a) of Act)**

8. A record compiled by the approval authority and forwarded to the Municipal Board under clause 51 (35) (a) of the Act shall include the following:

- 1. The original or a certified copy of the application received by the approval authority.
- 2. The original or a certified copy of the prescribed information and material received by the approval authority under subsection 51 (17) of the Act.
- 3. If applicable, the original or certified copy of any other information and material that the applicant was required to provide to the approval authority.
- 4. The original or a certified copy of the notice of appeal and the date it was received.
- 5. The original or a copy of all written submissions and comments received, and the date they were received.
- 6. If the local municipality or planning board gave notice of the application, the original or a certified copy of the affidavit or sworn declaration described in subclause 6 (2) (b) (ii).
- 7. If the approval authority gave notice of the application, an affidavit or sworn declaration of an employee of the approval authority certifying that the notice requirements under clause 51 (20) (a) of the Act have been complied with.
- 8. If the local municipality or planning board held the public meeting, the affidavits or sworn declarations described in clauses 6 (3) (b) and (c).
- 9. If the approval authority held the public meeting,

- i. an affidavit or sworn declaration of an employee of the approval authority certifying that the notice requirements and the requirement for holding a public meeting under clause 51 (20) (b) of the Act have been complied with, and
  - ii. an affidavit or sworn declaration of an employee of the approval authority listing all persons and public bodies that made oral submissions at the public meeting.
10. A copy of the minutes of the public meeting.
11. A copy of any planning report considered by the approval authority. O. Reg. 544/06, s. 8.

**Notice of approval authority's decision (s. 51 (37) of Act)**

9. (1) Notice of the approval authority's decision under subsection 51 (37) of the Act shall include the following:

**Note: On July 1, 2016, subsection 9 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following: (See: O. Reg. 178/16, s. 4 (1))**

(1) In addition to the explanation required by clause 51 (38) (a) of the Act, notice of the approval authority's decision under subsection 51 (37) of the Act shall include the following:

- 1. A copy of the decision, including the conditions and the lapsing provision, if any.
- 2. The last date for filing a notice of appeal, and a statement that the notice of appeal,
  - i. must be filed with the approval authority,
  - ii. must set out the reasons for the appeal, and
  - iii. must be accompanied by the fee required by the Municipal Board.
- 3. A statement that any of the following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Municipal Board by filing a notice of appeal with the approval authority:
  - i. the applicant,
  - ii. any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority,
  - iii. the Minister,
  - iv. the municipality in which the subject land is located, or the planning board in whose planning area it is located,
  - v. if the subject land is not located in a municipality or planning area, any public body.
- 4. If applicable, the following statements:
  - i. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.
  - ii. No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions.

**Note: On July 1, 2016, subparagraph 4 ii of subsection 9 (1) of the Regulation is amended by adding "or, in the Ontario Municipal Board's opinion, there are reasonable grounds to add the person or public body as a party" at the end. (See: O. Reg. 178/16, s. 4 (2))**

5. The following statements:
- i. Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.
  - ii. No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council or, in the Ontario Municipal Board's opinion, there are reasonable grounds to add the person or public body as a party.

**Note: On July 1, 2016, subparagraph 5 ii of subsection 9 (1) of the Regulation is amended by striking out "written submissions to the council" and substituting "written submissions to the council, or made a written request to be notified of changes to the conditions". (See: O. Reg. 178/16, s. 4 (3))**

6. If it is known that the subject land is the subject of an application under the Act for a minor variance or for an amendment to an official plan, a zoning by-law or a Minister's zoning order, a statement of that fact and the file number of the application. O. Reg. 544/06, s. 9 (1).

(2) If the approval authority of a proposed plan of subdivision is not the Minister, notice of the decision of the approval authority under subsection 51 (37) of the Act shall be given, by personal service, ordinary mail or fax, to the regional director of the Ministry of Municipal Affairs and Housing Municipal Services Office responsible for the region that includes the municipality or planning area where the subject land is located, if the regional director has given the approval authority a written request to be given notice of its decisions on applications for approval of plans of subdivision. O. Reg. 544/06, s. 9 (2).

**Note: On July 1, 2016, subsection 9 (2) of the Regulation is amended by striking out “by personal service, ordinary mail or fax”. (See: O. Reg. 178/16, s. 4 (4))**

**Note: On July 1, 2016, section 9 of the Regulation is amended by adding the following subsection: (See: O. Reg. 178/16, s. 4 (5))**

(3) A notice given under this section shall be given by personal service, ordinary mail, fax or email. O. Reg. 178/16, s. 4 (5).

**Notice of changes to conditions of draft approval (s. 51 (45) of Act)**

10. (1) Notice of changes to the conditions of draft approval of a plan of subdivision under subsection 51 (45) of the Act shall include the following:

1. A copy of the proposed changes to the conditions of draft approval.
2. A statement that any of the following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions of draft approval to the Municipal Board by filing a notice of appeal with the approval authority:
  - i. the applicant,
  - ii. any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority,
  - iii. the Minister,
  - iv. the municipality in which the subject land is located, or the planning board in whose planning area it is located,
  - v. if the subject land is not located in a municipality or planning area, any public body.
3. The last date for filing a notice of appeal, and a statement that the notice of appeal,
  - i. must be filed with the approval authority,
  - ii. must set out the reasons for the appeal, and
  - iii. must be accompanied by the fee required by the Municipal Board.
4. The following statements:
  - i. Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.
  - ii. No person or public body shall be added as a party to the hearing of an appeal regarding any changed conditions imposed by the approval authority, unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions. O. Reg. 544/06, s. 10 (1).

**Note: On July 1, 2016, subparagraph 4 ii of subsection 10 (1) of the Regulation is amended by adding “or, in the Ontario Municipal Board’s opinion, there are reasonable grounds to add the person or public body as a party” at the end. (See: O. Reg. 178/16, s. 5 (1))**

(2) If the approval authority of a proposed plan of subdivision is not the Minister, notice of changes to the conditions of approval of a plan of subdivision under subsection 51 (45) of the Act shall be given, by personal service, ordinary mail or fax, to the regional director of the Ministry of Municipal Affairs and Housing Municipal Services Office responsible for the region that includes the municipality or planning area where the subject land is located, if the regional director has given the approval authority a written request to be given notice of changes to the conditions of approval of plans of subdivision. O. Reg. 544/06, s. 10 (2).

**Note: On July 1, 2016, subsection 10 (2) of the Regulation is amended by striking out “by personal service, ordinary mail or fax”. (See: O. Reg. 178/16, s. 5 (2))**

**Note: On July 1, 2016, section 10 of the Regulation is amended by adding the following subsection: (See: O. Reg. 178/16, s. 5 (3))**

(3) A notice given under this section shall be given by personal service, ordinary mail, fax or email. O. Reg. 178/16, s. 5 (3).

**Record compiled by approval authority for O.M.B. (s. 51 (50) (a) of Act)**

11. A record compiled by the approval authority and forwarded to the Municipal Board under clause 51 (50) (a) of the Act shall include the following:

1. The information and material set out in section 8.

**Note: On July 1, 2016, section 11 of the Regulation is amended by adding the following paragraph: (See: O. Reg. 178/16, s. 6 (1))**

- 1.1 If applicable, a certified copy of the notice of the approval authority's decision under subsection 51 (37) of the Act.
2. A copy of the decision of the approval authority, including the conditions and the lapsing provision, if any.
3. A statement by an employee of the approval authority as to whether the decision of the approval authority,
  - i. is consistent with the policy statements issued under subsection 3 (1) of the Act,
  - ii. conforms to or does not conflict with any applicable provincial plan or plans, and

**Note: On July 1, 2016, the English version of subparagraph 3 ii of section 11 is amended by striking out "conforms to" at the beginning and substituting "conforms with". (See: O. Reg. 178/16, s. 6 (2))**

- iii. conforms to the official plan of the municipality or planning board.

**Note: On July 1, 2016, the English version of subparagraph 3 iii of section 11 is amended by striking out "conforms to" at the beginning and substituting "conforms with". (See: O. Reg. 178/16, s. 6 (3))**

4. If applicable, an affidavit or sworn declaration by an employee of the approval authority certifying that the notice requirements under subsection 51 (37) of the Act have been complied with.
5. If applicable, a copy of the proposed changes to the conditions of draft approval.
6. If applicable, an affidavit or sworn declaration by an employee of the approval authority certifying that the notice requirements under subsection 51 (45) of the Act have been complied with. O. Reg. 544/06, s. 11.

#### **Transition**

12. Despite the revocation of Ontario Regulation 196/96 (Plans of Subdivision) made under the Act, the following shall be continued and disposed of as if Ontario Regulation 196/96 had not been revoked:

1. Any matter or proceeding that is deemed to have been commenced before May 22, 1996, under section 75 of the Act.
2. Any matter or proceeding that is commenced on or after May 22, 1996 but before the day this Regulation comes into force. O. Reg. 544/06, s. 12.

**Note: On July 1, 2016, section 12 of the Regulation is amended by adding the following subsection: (See: O. Reg. 178/16, s. 7)**

(2) For greater certainty, despite the amendments made to this Regulation by Ontario Regulation 178/16, this Regulation as it read immediately before those amendments came into force continues to apply in respect of the following:

1. A notice given under section 51 of the Act, if it was given before the day Ontario Regulation 178/16 came into force.
2. A record compiled under section 51 of the Act, if it was forwarded before the day Ontario Regulation 178/16 came into force.
3. An application made under subsection 51 (16) of the Act, if the information and material set out in Schedule 1 were provided before the day Ontario Regulation 178/16 came into force. O. Reg. 178/16, s. 7.

13. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 544/06, s. 13.

14. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 544/06, s. 14.

#### **SCHEDULE 1**

#### **INFORMATION AND MATERIAL TO BE PROVIDED WITH AN APPLICATION UNDER SUBSECTION 51 (17) OF THE ACT**

1. The name, address, telephone number and, if applicable, the e-mail address of the owner of the subject land, and of the agent if the applicant is the owner's authorized agent.
2. The date of the application.
3. A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, reference plan and part numbers, and street names and numbers.
4. Whether there are any easements or restrictive covenants affecting the subject land.
5. If the answer to section 4 is yes, a description of each easement or covenant and its effect.
6. If known,

- (a) whether the subject land was ever the subject of an application for approval of a plan of subdivision under section 51 of the Act, for a consent under section 53 of the Act, for a minor variance, for approval of a site plan, or for an amendment to an official plan, a zoning by-law or a Minister's zoning order; and
- (b) if the answer to clause (a) is yes, the file number and status of the application.

7. The total number of lots or blocks shown on the draft plan, and the number of lots or blocks shown on the draft plan for each of the following uses:

- 1. Detached residential.
- 2. Semi-detached residential.
- 3. Multiple attached residential.
- 4. Apartment residential.
- 5. Seasonal residential.
- 6. Mobile home.
- 7. Other residential.
- 8. Commercial.
- 9. Industrial.
- 10. Institutional.
- 11. Park or open space.
- 12. Roads.
- 13. Other.

8. The total number of units or dwellings shown on the draft plan, and the number of units or dwellings shown on the draft plan for each of the uses listed in section 7, except the uses described in paragraphs 11 and 12 of that section.

9. In hectares, the total area of land shown on the draft plan, and the area of land shown on the draft plan for each of the uses listed in section 7.

10. The total number of units or dwellings shown on the draft plan per hectare, and the number of units or dwellings shown on the draft plan per hectare for each of the uses listed in section 7, except the uses described in paragraphs 11 and 12 of that section.

11. The total number of parking spaces shown on the draft plan, and the number of parking spaces shown on the draft plan for each of the uses listed in section 7, except the uses described in paragraphs 1, 2, 11 and 12 of that section.

12. If the application is for approval of a condominium description, the number of parking spaces shown on the draft plan for detached and semi-detached residential use.

13. If one of the uses referred to under section 7, 8, 9, 10 or 11 is identified as "other residential", "institutional" or "other", a description of the use.

14. The current designation of the subject land in the applicable official plan.

15. Whether access to the subject land will be,

- (a) by a provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way; or
- (b) by water.

16. If access to the subject land will be by water only, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

17. Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.

18. If the plan would permit development of more than five lots or units on privately owned and operated individual or communal wells,

- (a) a servicing options report; and
- (b) a hydrogeological report.

19. Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system or other means.

20. If the plan would permit development of five or more lots or units on privately owned and operated individual or communal septic systems,

- (a) a servicing options report; and
- (b) a hydrogeological report.

21. If the plan would permit development of fewer than five lots or units on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed,

- (a) a servicing options report; and
- (b) a hydrogeological report.

22. If the plan would permit development of fewer than five lots or units on privately owned and operated individual or communal septic systems, and 4500 litres of effluent or less would be produced per day as a result of the development being completed, a hydrogeological report.

23. Whether the subject land contains any areas of archaeological potential.

24. If the plan would permit development on land that contains known archaeological resources or areas of archaeological potential,

- (a) an archaeological assessment prepared by a person who holds a licence that is effective with respect to the subject land, issued under Part VI (Conservation of Resources of Archaeological Value) of the *Ontario Heritage Act*; and
- (b) a conservation plan for any archaeological resources identified in the assessment.

25. Whether storm drainage will be provided by sewers, ditches, swales or other means.

26. If the application is for approval of a condominium description,

- (a) whether a site plan for the proposed condominium has been approved and whether a site plan agreement has been entered into;
- (b) whether a building permit for the proposed condominium has been issued;
- (c) whether the proposed condominium is under construction or has been completed;
- (d) if construction has been completed, the date of completion; and
- (e) whether the proposed condominium is a conversion of a building containing residential rental units, and in that case the number of units to be converted.

27. Whether the plan is consistent with policy statements issued under subsection 3 (1) of the Act.

28. Whether the subject land is within an area of land designated under any provincial plan or plans.

29. If the answer to section 28 is yes, whether the plan conforms to or does not conflict with the applicable provincial plan or plans.

**Note: On July 1, 2016, the English version of section 29 of Schedule 1 to the Regulation is amended by striking out “conforms to” and substituting “conforms with”. (See: O. Reg. 178/16, s. 8 (1))**

30. If the applicant is not the owner of the subject land, the owner’s written authorization to the applicant to make the application.

**Note: On July 1, 2016, Schedule 1 to the Regulation is amended by adding the following section: (See: O. Reg. 178/16, s. 8 (2))**

30.1 A proposed strategy for consulting with the public with respect to the application.

31. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

O. Reg. 544/06, Sched. 1.

Français

Back to top